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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

**NOTICE OF MOTION NO. 1200 OF 2019
IN
COUNTER CLAIM NO. 12 OF 2016
IN
SUIT NO. 921 OF 2013**

Narang Developers Pvt. Ltd.

...Applicant(defendant No.1
to the counter-claimant

In the matter between

Mukesh D. Narang & Anr.

...Counter claim.

vs

Narang Developers Pvt. Ltd. & Ors.

...Defendants to the counter-
claim

.....

Mr Shriram Kulkarni I/b Mr Chaitanya Nikte for the Plaintiffs to the
counter-claim.

Ms Neeta Jain I/b Ms Pranita Dhane for Defendant No.1 to the
counter-claim / Applicant to the Notice of Motion.

Mr Anil D'souza a/w Ms Mohini Thorat for Defendant No.2 to the
Counter-Claim.

.....

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**CORAM : B. P. COLABAWALLA, J.
JULY 18, 2019.**

P.C. :

This Notice of Motion has been filed by the applicant
(defendant No.1 to the counter-claim and original plaintiff in Suit No.
921 of 2013) seeking rejection of the counter-claim under Order VII
Rule 11 of the Code of Civil Procedure, 1908 (for short "**the CPC**") on
the ground that the counter-claim is not maintainable under Order
VIII Rule 6(A) the CPC and also on the ground that the counter-claim

is barred by the Law of Limitation.

2 After this matter was argued for some time, the learned advocate appearing on behalf of the applicant (defendant No.1 to the counter-claim) stated that the applicant would like to withdraw this Notice of Motion keeping all their contentions open to be canvassed at the hearing and final disposal of the suit and the counter-claim.

3 In the light of the aforesaid statement, the Notice of Motion is dismissed as withdrawn. No order as to costs.

4 It is clarified that all the contentions are expressly kept open for the applicant (defendant No.1 to the counter- claim) to raise at the hearing and final disposal of the suit and the counter-claim respectively.

(B.P.COLABAWALLA, J.)